

ATTACHMENT 13

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION) Lead Case No. 3:21-cv-03825-VC

THIS DOCUMENT RELATES TO:)
ALL CASES)

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)

Plaintiff,) Case No. 3:21-cv-03496-VC

vs.)

INTUITIVE SURGICAL, INC.,)

Defendant.)

REMOTE VIDEOTAPED DEPOSITION OF
KAREN F. WANINGER
Thursday, October 6, 2022
Volume I

Reported by:
NADIA NEWHART
CSR No. 8714
Job No. 5504267
PAGES 1 - 90

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Defendant.)

Remote videotaped deposition of
KAREN F. WANINGER, Volume I, taken on behalf of
Defendant Intuitive Surgical, Inc., with all
participants appearing remotely via videoconference
and the witness testifying from Lafayette, Indiana,
beginning at 12:59 p.m. and ending at 3:19 p.m. on
Thursday, October 6, 2022, before NADIA NEWHART,
Certified Shorthand Reporter No. 8714.

1 APPEARANCES:

2
3 For Interim Co-Lead Counsel for the Proposed Class
4 and the Witness:

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6 BY: CHRISTOPHER J. BATEMAN, ESQ.

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11 (Remote appearance.)
12

13 For Surgical Instruments Service Company, Inc.:

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15 BY: DONNY K. SAMPORNA, ESQ.

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20 (Remote appearance.)
21
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25

1 APPEARANCES (Continued):

2
3 For Defendant Intuitive Surgical, Inc.:

4 COVINGTON & BURLING, LLP

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6 BY: MARIAM AZHAR, ESQ.

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8 San Francisco, California 94105-2533

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12 (Remote appearance.)

13
14 Also Present:

15 PAT DOWNES, ESQ., Franciscan Alliance in-house counsel

16 RAMON PERAZA, Videographer

17 (Remote appearance.)

1 service agreements.

2 Q Do you recall any instances where you have
3 negotiated service agreements with third-party
4 equipment service providers that were not an
5 original equipment manufacturer?

01:23:25

6 A I have not, that I recall negotiated service
7 agreements with third parties since I have been at
8 Franciscan.

9 Q Do you have any understanding of the -- the
10 meaning of the term "reprocessing" as it's used by
11 the FDA?

01:23:48

12 MR. BATEMAN: Objection; vague, calls for a
13 legal conclusion.

14 You can answer to the best of your ability.

15 THE WITNESS: I do not know the FDA
16 definition of reprocessing.

01:23:58

17 BY MR. CHAPUT:

18 Q Do you have any understanding of the FDA
19 definition of remanufacturing?

20 A I --

01:24:07

21 MR. BATEMAN: Same objections.

22 THE WITNESS: I do not have an understanding
23 of the FDA definition of remanufacturing.

24 BY MR. CHAPUT:

25 Q Do you have any understanding of the FDA

01:24:14

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [X] was [] was not requested.

16 I further certify that I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed
20 my name.

21 Dated: October 20, 2022

22
23 
24

NADIA NEWHART

25 CSR NO. 8714

Page 87